

C. Remarks

The specification has been amended to correct obvious typographical errors.

No new matter has been added. Favorable consideration of the present claims is expressly requested.

The Examiner alleged that the subject application does not satisfy the unity of invention requirement and has required election of one of the following six groups of claims:

- Group I: Claims 1-3, drawn to a first PHA copolymer;
- Group II: Claim 4-6, drawn to a second PHA copolymer;
- Group III: Claims 7-13, drawn to a first PHA copolymer production method;
- Group IV: Claims 14-20, drawn to a second PHA copolymer production method;
- Group V: Claims 21-27, drawn to a third PHA copolymer production method; and
- Group VI: Claims 7-13, drawn to a fourth PHA copolymer production method.

Also, the Examiner required a species selection for each of the following categories A-C:

A. At least one of the following 3-hydroxy- ω -alkenoic acid units to be included in the PHA copolymer:

- i. Formula (1);
- ii. Formula (19);
- iii. Formula (32); or
- iv. Specify another unit.

B. At least one of the following 3-hydroxy- ω -alkenoic acid units to be included in the PHA copolymer in addition to those selected from Ai-Aiv above:

- i. Formula (2);
- ii. Formula (3); or
- iii. Mixture of units of formulas (2) and (3).

C. Residue having:

- i. Phenyl structure; or
- ii. Thienyl structure.

If Ci is elected, further select whether it is of:

- (a) formula (8);
- (b) formula (9);
- (c) formula (10);
- (d) formula (18); or
- (e) specify another structure.

If Cii is elected, further select whether it is of:

- (a) formula (11);
- (b) formula (12);
- (c) formula (13);
- (d) formula (14);
- (e) formula (15);
- (f) formula (16);
- (g) formula (17); or
- (h) specify another structure.

Applicants hereby provisionally elect Group I, claims 1-3. With respect to the species, Applicants' selections are as follows:

- A: The PHA copolymer including at least a unit of Formula (1)
- B: The PHA copolymer also including a unit of Formula (2)
- C: Phenyl structure residue represented by formula (8).

Claims 1-3 read on the elected species. This election is made with traverse.

Applicants appreciate the Examiner's mention of the rejoinder rules and respectfully request that they be applied in the present case. In particular, claims 7-13 of Group III would be subject to rejoinder under M.P.E.P. § 821.04.

Lastly, the Examiner noted that the claims recite the use of microorganisms and that compliance with biological material deposit rules is likely to be required. In that regard, the microorganisms recited in the claims are the same as those in U.S. Patent No. 6,521,429 B2, which has the same Assignee as the present application. Thus, in view of the compliance with the biological material deposit requirements during the prosecution of the '429 patent, that material is deemed readily accessible to the public (M.P.E.P. § 2404.01). No further action should be necessary in the present case to comply with the deposit rules.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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